

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-11395-RCL

PATRICIA BERGEVINE,  
Plaintiff,

v.

PEASE & CURREN, INC, PEASE & CURREN  
MATERIALS, INC., FRANCIS H. CURREN, JR.,  
ROBERT H. PEASE, JR., FRANCIS H. CURREN,  
III A/K/A KIP CURREN AND MEREDITH A.  
CURREN.

Defendants.

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**STIPULATION OF DISMISSAL AS TO COUNTS IV AND V  
OF PLAINTIFF'S COMPLAINT AND ALL CLAIMED DAMAGES  
FOR EMOTIONAL DISTRESS**

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Pursuant to the provisions of Fed.R.Civ.P. 41(a)(1)(ii), the Plaintiff Patricia Bergevine and the Defendants Pease & Curren, Inc., Pease & Curren Materials, Inc., Robert H. Pease, Jr., Francis H. Curren, Jr., Francis H. Curren, III a/k/a Kip Curren and Meredith A. Curren (the "Defendants") hereby stipulate that Count IV, for negligent infliction of emotional distress, and Count V, for intentional infliction of emotional distress, of Plaintiff's Complaint, dated July 1, 2006, in the above matter are to be dismissed with prejudice, without costs and with all rights of appeal waived. The parties further agree that Plaintiff dismisses all other claims for emotional distress damages to the extent emotional distress damages are claimed as part of any remaining counts.

Respectfully submitted,  
PATRICIA BERGEVINE,  
By her Attorneys,

Respectfully submitted,  
PEASE & CURREN, INC.,  
PEASE & CURREN MATERIALS, INC.,  
ROBERT H. PEASE, JR., FRANCIS H.  
CURREN, JR., FRANCIS H. CURREN, III,  
and MEREDITH A. CURREN,  
By their Attorneys,

/s/Gregory J. Aceto  
Gregory J. Aceto (BBO #558556)  
Erin J. Brennan (BBO #660097)  
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/s/ Joseph Aronson  
Joseph Aronson (BBO #022070)  
The McCormack Firm, LLC  
One International Place  
Boston, MA 02110  
617-951-2929

**Certificate of Service**

I hereby certify that on October 4, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the matter via e-mail. I further certify that copies will be sent via U.S. Mail to all counsel in the matter who are not registered with the CM/ECF system.

/s/ Gregory J. Aceto  
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Attorney for Plaintiff Patricia Bergevine